REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

Support for the Amendments

Support for the amendments is provided in more detail below with the remark pertaining to the specific reason for the amendment. No new matter is presented with these amendments.

The 112 Rejections

The Examiner rejected Claims 1-5 under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner first stated that in claims 1 and 3-5, "reduction of" is vague. Applicants thank the Examiner for noting this, and Applicants have amended Claims 1 and 5 to indicate that the method in Claim 1 is more precisely a method for decreasing absorption of phosphate and oxalate in the gastrointestinal tract of an animal, and the use recited in Claim 5 is more precisely the use of a water soluble polyether glycol polymer as an agent for decreasing the absorption of phosphate and oxalate in the gastrointestinal tract of an animal. Support for this amendment is found, for example, at page 12, lines 1-2 and 4-5 of the specification, and at page 12, lines 19-22.

Claims 3 and 4 have been amended to indicate that that quantity referenced in those claims is the quantity of the formulation recited in Claim 1. Support for these amendments is for the purpose of clarification only.

The Examiner further stated that in claim 1, "a physiological pH" is indefinite. Applicants thank the Examiner for pointing out this typographical error and have amended Claim 1 to read "at" physiological pH.

The Examiner also stated that Claim 5 is indefinite because it provides for a use of a water soluble polymer but the claim does not set forth any steps involved in the method/process. Applicants wish to point out that Claim 5 is a use claim, and the use is clearly defined as being an agent for the reduction of phosphate or oxalate in an animal (see last part of Claim 5.)

The 103 Rejections

The Examiner rejected Claims 1-5 as being unpatentable under 35 USC 103(a) over US Patent No. 3,320,317 ("Rogers") in view of WO/95/05184 (WO '184), stating that it would have been obvious to one of ordinary skill to use the polymer of Rogers to achieve the beneficial effect of phosphate removal in view of the teaching of WO '184. Applicants respectfully traverse the rejection for the following reasons.

The present invention is directed to a method for decreasing absorption of phosphate and oxalate from the gastrointestinal tract of an animal, and uses of specific agents for decreasing the absorption of phosphate and oxalate from the gastrointestinal tract of an animal. The method of the present invention requires administering an effective amount of a water soluble polyether glycol to the animal, wherein the water soluble polyether glycol has a molecular weight within a particular range. In a preferred embodiment, the water soluble polyether glycol is a polyepihalohydrin.

Rogers describes quarternary ammonium adducts of polyepichlorohydrin for use in treating sewage. Although Rogers does teach the use of quarternary ammonium adducts of polyepichlorohydrin, and polyepichlorohydrin derivatives are one example of a water soluble polyether glycol of the present invention, Rogers does not teach or suggest administering an effective amount of polyepichlorohydrin derivatives to an animal in order to decrease absorption of phosphate and oxalate from the gastrointestinal tract. In fact, it would be very risky to even try to administer the polyepichlorohydrin material to an animal based on the teachings of Rogers, because nothing in Rogers teaches or suggests that the quarternary ammonium adducts of polyepichlorohydrin described therein would be suitable for administering to animals. Furthermore, Rogers does not teach or suggest removing phosphates or oxalates. Instead, Rogers is concerned with clarifying sewage, but with no indication of the materials removed from the sewage, and certainly no indication that phosphates or oxalates are removed from the sewage. Therefore, the method and use recited in amended claims 1-5 of the present application is not obvious in view of Rogers.

WO '184 describes phosphate-binding polymers for oral administration. However, WO'184 does not teach or suggest the polymers of the present invention. Page 4, lines 8-14 of WO '184 teaches the use of copolymers having two different repeating units, which is not the polymer of the present invention. Furthermore, WO

'184 does not teach or suggest anything about oxalates. Therefore, the method and use recited in amended Claims 1-5 of the present application are not obvious in view of WO '184.

It would not be obvious to combine Rogers with WO'184, and there would be no motivation to do so, because the two references are concerned with very different objectives. One of ordinary skill in the art, trying to solve problems associated with WO'184, would not look at Rogers to solve the problems, because as discussed above, Rogers does not teach or suggest removing phosphates or oxalates, and in particular, does not teach or suggest decreasing absorption of phosphates or oxalates from the gastrointestinal tract. Moreover, Rogers certainly does not teach or suggest administering the concerned polymers to an animal or that it would even be safe to try, and therefore, one would not look at Rogers when concerned with WO '184.

For these reasons, as amended, Claims 1-5 of the present application are not obvious under 35 USC 103(a) in view of Rogers or WO'184, either alone or in combination.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe that the present application now stands in condition for allowance. Early notification thereof is respectfully requested.

Respectfully submitted,

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